

12907. Adulteration and misbranding of canned crushed pineapple. U. S. v. Griffith-Durney Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 17946. I. S. No. 158-v.)

On March 7, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Griffith-Durney Co., a corporation, San Francisco, Calif., alleging shipment by said company, in violation of the food and drugs act, on or about September 11, 1922, from the State of California into the State of New York, of a quantity of canned crushed pineapple which was adulterated and misbranded. The cans were unlabeled and the cases were labeled, "Hawaiian Crushed Pineapple."

Examination of the article by the Bureau of Chemistry of this department showed that it consisted essentially of shredded pineapple core, together with some trimmings.

Adulteration of the article was alleged in the information for the reason that crushed pineapple cores had been substituted in whole or in part for crushed pineapple, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Crushed Pineapple," borne on the cases enclosing the cans containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of crushed pineapple, excluding cores, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of crushed pineapple, excluding cores, whereas it did not so consist but did consist in whole or in part of crushed pineapple cores.

On December 5, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

W. M. JARDINE, *Secretary of Agriculture.*

12908. Misbranding of corn meal. U. S. v. 175 Sacks of Corn Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18900. I. S. No. 16512-v. S. No. E.-4956.)

On August 7, 1924, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 175 sacks of corn meal, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Juliette Milling Co., from Macon, Ga., on or about July 17, 1924, and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Sack) "Juliette Meal 100 Lbs. When Packed * * * Juliette Milling Co., Macon, Ga."

Misbranding of the article was alleged in the libel for the reason that the statement "100 Lbs. When Packed" was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 29, 1924, the Juliette Milling Co., Macon, Ga., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$900, in conformity with section 10 of the act, conditioned in part that the sacks be relabeled or refilled so that the said labels should correctly describe the product.

W. M. JARDINE, *Secretary of Agriculture.*

12909. Adulteration of shell eggs. U. S. v. William W. Lomenack (Gilmer Produce Co.). Plea of guilty. Fine, \$10. (F. & D. No. 18097. I. S. Nos. 5952-v, 5955-v, 5960-v.)

On March 12, 1924, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William W. Lomenack, trading as the Gilmer Produce Co., Gilmer, Texas, alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, namely, on or about June 30, July 2 and 3, 1923, respectively, from the State of Texas into the State of Louisiana, of quantities

of shell eggs which were adulterated. The article was labeled in part: "From Gilmer Produce Co. Gilmer, Texas."

Examination by the Bureau of Chemistry of this department of 720 eggs, 702 eggs, and 936 eggs from the different consignments showed that 91 eggs, 182 eggs, and 197 eggs, respectively, or 12.6 per cent, 25.9 per cent, and 21 per cent, respectively, of those examined, were inedible eggs consisting of black rots, mixed or white rots, spot rots, blood rings, enlarged embryos, and a few moldy eggs.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and putrid and decomposed animal substance.

On October 6, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

W. M. JARDINE, *Secretary of Agriculture.*

12910. Adulteration of shell eggs. U. S. v. Roy H. Price. Plea of guilty. Fine, \$10. (F. & D. No. 18095. I. S. No. 5947-v.)

On March 27, 1924, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Roy H. Price, Atlanta, Texas, alleging shipment by said defendant, in violation of the food and drugs act, on or about July 1, 1923, from the State of Texas into the State of Louisiana, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From R. H. Price Atlanta Tx."

Examination by the Bureau of Chemistry of this department of the 1,440 eggs in the consignment showed that 158, or 11 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, large blood rings, and enlarged embryos.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and putrid and decomposed animal substance.

On October 6, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

W. M. JARDINE, *Secretary of Agriculture.*

12911. Adulteration and misbranding of butter. U. S. v. 15 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18932. I. S. No. 12658-v. S. No. E-4929.)

On August 29, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 tubs of butter, consigned on or about August 14, 1924, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the H. C. Christians Co., from Chicago, Ill., and transported from the State of Illinois into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance low in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On December 12, 1924, Arthur Medwedeff, agent for H. C. Christians Co., Chicago, Ill., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$350, in conformity with section 10 of the act, conditioned in part that it be reworked to bring the butterfat content up to the minimum of 80 per cent.

W. M. JARDINE, *Secretary of Agriculture.*

12912. Adulteration and misbranding of jellies. U. S. v. Robert J. Purdy (U. S. Preserve Co.). Plea of guilty. Fine, \$50. (F. & D. No. 18758. I. S. Nos. 729-v, 730-v, 731-v.)

On September 26, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Robert J. Purdy, trading as the U. S. Preserve Co., Philadelphia, Pa.,